

The House Committee on Rules offers the following substitute to SB 200:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 32, 36, 40, 45, 48, and 50 of the Official Code of Georgia Annotated,
2 relating to highways, bridges, and ferries; local government; motor vehicles and traffic;
3 public officers and employees; revenue and taxation; and state government, respectively, so
4 as to provide for funding sources and a consolidated state entity for the planning and
5 implementation of mobility and transit services; to provide for an exemption from state sales
6 and use tax for certain transportation subject to an excise tax; to exempt jet fuel from the
7 state sales and use tax for a period of time and to levy an excise tax on jet fuel during such
8 period; to modify provisions for the use of proceeds of taxes on jet fuel; to provide for
9 definitions; to provide for the imposition of special purpose local sales and use tax by a
10 single county located outside a nonattainment area for the funding of transit projects under
11 certain conditions; to establish special districts; to provide for definitions, procedures,
12 conditions, and limitations for the imposition, collection, disbursement, and termination of
13 the sales and use tax; to provide for the levy of an excise tax upon for-hire ground transport;
14 to provide for legislative intent; to provide for definitions, procedures, conditions, and
15 limitations for the imposition, collection, disbursement, and termination of the excise tax; to
16 provide for penalties; to provide for an automatic repeal; to provide for quarterly reporting;
17 to provide for authority to establish rules and regulations; to provide for a definition relative
18 to community improvement districts; to exempt certain reports from public disclosure; to
19 create the Department of Mobility and Innovation; to provide for definitions; to provide for
20 the appointment of a commissioner of the department; to provide for salary, qualifications,
21 eligibility, and responsibilities of such commissioner; to provide for the power to designate
22 directors and hire employees; to provide for offices and equipment for the department; to
23 provide for authority to establish rules and regulations; to provide for an official seal; to
24 provide for duties, responsibilities, and functions of the department; to provide for approval
25 of certain development of regional impact projects; to provide for the administrative
26 assignment of certain authorities to the department; to provide for the transfer of certain
27 functions, funding, and personnel to the department from certain state agencies; to provide
28 for the establishment of a pilot program administered by the department for the provision of

29 transit service vouchers for certain unemployed and underemployed persons; to provide for
30 procedures, conditions, and limitations for the implementation of such pilot program; to
31 provide for the establishment of a pilot program administered by the department for the
32 awarding of grants for the provision of micro-transit in certain geographical areas; to provide
33 for procedures, conditions, and limitations for the implementation of such pilot program; to
34 establish the Transit Link Division within such department; to establish a Transit
35 Coordinating Council; to provide for duties and functions of such council; to provide for the
36 establishment of a pilot program for the issuance of a tax credit for an employer providing
37 a transit benefit to new employees; to provide for procedures, conditions, and limitations for
38 the implementation of such pilot program; to establish mobility zones for the coordination
39 and implementation of transit within regions of the state; to provide for definitions; to
40 establish mobility zone advisory councils; to provide for approval of a regional transit plan
41 by such councils; to provide the department with power and authority to award grants and
42 loans for transit purposes; to provide for an income tax credit for employers providing transit
43 benefits under certain conditions; to provide for procedures, limitations, and audits relating
44 to such tax credit; to provide for authority to promulgate rules and regulations; to require the
45 Department of Transportation to develop a procedure for appealing the rejection of a contract
46 bid; to repeal and reserve Chapter 32 of Title 50 of the Official Code of Georgia Annotated,
47 relating to the Georgia Regional Transportation Authority; to transfer the Atlanta-region
48 Transit Link "ATL" Authority to the Department of Mobility and Innovation for
49 administrative purposes; to provide changes to conform with such transfer; to provide for
50 definitions; to provide for membership and jurisdiction of the authority; to provide for
51 powers of the authority; to provide for a logo and use of such on transit operator property;
52 to provide for certain planning and reporting to include the Department of Mobility and
53 Innovation; to transfer certain assets, property, and legal rights and obligations of the Georgia
54 Regional Transportation Authority to the Atlanta-region Transit Link "ATL" Authority; to
55 revise the membership of the Governor's Development Council; to correct a cross-reference;
56 to extend the date for automatic abolition and repeal of provisions relative to the Cobb
57 County Special District for Transit and the Metropolitan Atlanta Rapid Transit Authority; to
58 provide that the executive director of the State Road and Tollway Authority shall be the
59 commissioner of mobility and innovation; to provide for effective dates; to repeal conflicting
60 laws; and for other purposes.

61 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

62 **PART I**
63 **FUNDING**
64 **SECTION 1-1.**

65 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
66 amended in Code Section 48-8-3, relating to exemptions from state sales and use tax, by
67 revising paragraph (25) as follows:

68 "(25) Transportation that is subject to the tax imposed by Article 8 of Chapter 13 of this
69 title Reserved;"

70 SECTION 1-2.

71 Said title is further amended by revising Code Section 48-8-3.5, relating to taxation on sale
72 or use of jet fuel, as follows:

73 "48-8-3.5.

74 (a) The sale or use of jet fuel that is pumped into an aircraft in this state and the use of jet
75 fuel that is pumped into an aircraft in another state shall be exempt from all sales and use
76 tax except such tax levied:

77 (1) By the state pursuant to Code Section 48-8-30 at a rate that shall not exceed 4
78 percent;

79 (2) Pursuant to Article 2 of this chapter by a jurisdiction in which a sales and use tax was
80 levied on jet fuel on December 30, 1987, at a rate that shall not exceed the rate in effect
81 on December 30, 1987; and

82 (3) Pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243),
83 as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' by a
84 jurisdiction in which such tax was levied on jet fuel on December 30, 1987, at a rate that
85 shall not exceed the rate in effect on December 30, 1987.

86 (b) For the period of time beginning December 1, 2018, and ending at the last moment of
87 June 30, 2019 2039, the sale or use of jet fuel that is pumped into an aircraft in this state
88 and the use of jet fuel that is pumped into an aircraft in another state:

89 (1) Shall shall be exempt from the sales and use tax levied by the state pursuant to
90 Code Section 48-8-30; and

91 (2) An excise tax of \$0.005 per gallon shall be levied on all jet fuel that is exempt
92 pursuant to paragraph (1) of this subsection. The legal incidence of such tax shall be
93 imposed on the distributor and such distributor shall collect and remit such taxes in a
94 manner to be prescribed by the commissioner.

95 (b.1) For the purposes of this Code section, the term 'distributor' means every person other
96 than the United States or any of its agencies that:

(A) Produces, refines, prepares, distills, manufactures, blends, or compounds jet fuel in this state:

(B) Makes the first sale in this state of any jet fuel imported into this state after such jet fuel has been received in this state;

(C) Consumes or uses in this state any jet fuel imported into this state before such jet fuel has been received by any other person in this state;

(D) Purchases jet fuel for export from this state; or

(E) Imports jet fuel into this state for production, refining, preparation, distilling, manufacturing, blending, compounding, consumption, or use within this state.

(c) To the extent required to comply with 49 U.S.C. Sections 47107(b) and 47133, revenue derived from the levy of ~~sales and use~~ taxes on jet fuel and other fuels sold or used at an airport for aviation purposes shall be used for a state aviation program or airport related purposes. Any portion of such revenue so derived which is not required or exceeds the amount required for purposes of such compliance with federal law may be appropriated for other purposes as provided by law.

(d) The commissioner shall adopt rules and regulations to carry out the provisions of this Code section."

SECTION 1-3.

Said title is further amended by revising Code Section 48-8-269.40, relating to definitions relative to special districts for transit purposes, as follows:

"48-8-269.40.

As used in this article, the term:

(1) 'Authority' means the Atlanta-region Transit Link 'ATL' Authority created pursuant to Chapter 39 of Title 50.

(2) 'Council' means a mobility zone advisory council organized pursuant to Article 2 of Chapter 31 of Title 50 and which has jurisdiction over the mobility zone in which a county is located.

(3) 'County' means any county created under the Constitution or laws of this state.

(3)(4) 'Dealer' shall have the same meaning as provided for in paragraph (8) of Code Section 48-8-2.

(4) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX, Section III, Paragraph I of the Constitution.

(5) 'Nonattainment area' means those counties currently having or previously designated as having excess levels of ozone, carbon monoxide, or particulate matter in violation of the standards in the federal Clean Air Act, as amended in 1990 and codified at 42 U.S.C.A. Sections 7401 to 7671q and which fall under the jurisdiction exercised by the

133 Atlanta-region Transit Link 'ATL' Authority or any predecessor authority as described
134 in Article 2 of Chapter 39 of Title 50.

135 (6) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)
136 of Code Section 48-8-110 and which is located wholly or partly within a special district.

137 (7) 'Regional transit plan' means the official multiyear plan for transit services and
138 facilities adopted pursuant to Code Section 50-31-38 or 50-39-12.

139 (8) 'Transit' means ~~regular, continuing shared-ride or shared-use surface transportation~~
140 ~~services that are made available by a public entity and are open to the general public or~~
141 ~~open to a segment of the general public defined by age, disability, or low income.~~ Such
142 ~~term includes services or systems operated by or under contract with the state, a public~~
143 ~~agency or authority, a county or municipality, a community improvement district, or any~~
144 ~~other similar public entity of this state and all accompanying infrastructure and services~~
145 ~~necessary to provide access to these modes of transportation. Such term excludes charter~~
146 ~~or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal~~
147 ~~services, limousine carriers, and ride-share network services, transportation referral~~
148 ~~services, and taxi services not paid for by a public entity shall have the same meaning as~~
149 ~~provided for in Code Section 50-31-2.~~

150 (9) 'Transit projects' means and includes purposes to establish, enhance, operate, and
151 maintain, or improve access to transit, including general obligation debt and other
152 multiyear obligations issued to finance such projects, the operations and maintenance of
153 such projects once constructed, and the contracted purchase of transit services from
154 providers without direct capital investment."

155 SECTION 1-4.

156 Said title is further amended in Code Section 48-8-269.41, relating to transit special purpose
157 local option sales and use tax, by revising paragraph (1) of subsection (b) as follows:

158 "(b)(1) Any ~~two or more neighboring counties which are~~ county not located within a
159 nonattainment area may, by following the procedures required by Part 2 of this article,
160 impose within ~~their respective special districts~~ the special district a transit special purpose
161 local option sales and use tax, the proceeds of which shall be used only for transit
162 projects."

163 SECTION 1-5.

164 Said title is further amended by revising Code Section 48-8-269.43, relating to notice for
165 referendum, meeting, requirements for intergovernmental agreements, requirements for
166 resolutions, and unanimous approval for neighboring counties and special districts outside
167 nonattainment areas, as follows:

168 "48-8-269.43.

169 (a)(1) Any ~~two or more neighboring counties~~ county qualified to levy a tax pursuant to
170 paragraph (1) of subsection (b) of Code Section 48-8-269.41 shall deliver or mail a
171 written notice to the mayor or chief elected official in each qualified municipality located
172 within its respective special district prior to the issuance of the call for the referendum.
173 Such notice shall contain the date, time, place, and purpose of a meeting at which the
174 governing authorities of the ~~counties~~ county and of each qualified municipality therein
175 are to meet to discuss possible transit projects for inclusion in the referendum and the rate
176 of tax. The notice shall be delivered or mailed at least ten days prior to the date of the
177 meeting. The meeting shall be held at least 60 days prior to any issuance of the call for
178 the referendum.

179 (b)(2) At the meeting required by subsection (a) of this Code section, the ~~two or more~~
180 ~~neighboring counties~~ county and all qualified municipalities therein may select transit
181 projects from the regional transit plan approved by the council to be funded by the
182 proceeds of the tax authorized by this article. Each county planning to participate in the
183 selected transit project or projects shall enter into intergovernmental agreements which
184 shall include, at a minimum:

185 (1) ~~A list of the transit projects proposed to be funded from the tax;~~
186 (2) ~~An agreement identifying the operator of any transit projects proposed if such project~~
187 ~~or projects are services which require an operator;~~
188 (3) ~~The estimated or projected dollar amounts allocated for each transit project from~~
189 ~~proceeds from the tax;~~
190 (4) ~~The procedures for distributing proceeds from the tax to each county;~~
191 (5) ~~A schedule for distributing proceeds from the tax to each county, which shall include~~
192 ~~the priority or order in which transit projects will be fully or partially funded;~~
193 (6) ~~A provision that all transit projects included in the agreement shall be funded from~~
194 ~~proceeds from the tax except as otherwise agreed;~~
195 (7) ~~A provision that proceeds from the tax shall be maintained in separate accounts and~~
196 ~~utilized exclusively for the specified purposes;~~
197 (8) ~~Record-keeping and audit procedures necessary to carry out the purposes of this part;~~
198 ~~and~~
199 (9) ~~Such other provisions as the counties choose to address.~~

200 (b) Following the meeting required by subsection (a) of this Code section, the county shall
201 deliver or mail to the council a written notice of the intent to call for a referendum to
202 impose the tax authorized by this article. Such notice shall include a list of transit projects
203 located within such county chosen from the regional transit plan which the county intends
204 to fund with proceeds from the tax authorized under this article and the proposed operator

205 of any such transit projects if such project or projects are services which require an
206 operator.

207 (c)(1) Upon receipt of such notice from a county, the council shall approve or deny any
208 or all projects within a submitted transit project list and the proposed operator of any
209 transit projects if such project or projects are services which require an operator. In
210 making a determination upon whether to approve transit projects, the council shall take
211 into consideration any other transit projects such council has approved for any
212 neighboring counties, any transit projects in progress in any neighboring counties, and
213 any additional federal or state funding that may be available for any projects. The council
214 shall make a determination and send notification to the county approving or denying the
215 submitted transit projects and operators, if applicable, no later than 20 days from the
216 receipt of such list.

217 (2) Any county which is subject to a metropolitan planning organization, as such term
218 is defined in Code Section 48-8-242, that has had a project list denied may appeal such
219 decision to the commissioner of mobility and innovation.

220 (d)(1) As soon as practicable after the meeting required in subsection (a) of this Code
221 section and the execution of an intergovernmental agreement receipt of notice from the
222 appropriate council, the governing authority of each the county desiring to call calling for
223 a referendum shall, by a majority vote on a resolution offered for such purpose, submit
224 the list of transit projects and the question of whether the tax should be approved to
225 electors of the special district in the next scheduled election and shall notify the county
226 election superintendent within the special district by forwarding to the superintendent a
227 copy of such resolution calling for the imposition of the tax. Such list, or a digest thereof,
228 shall be available during regular business hours in the office of the county clerk.

229 (2) The resolution authorized by paragraph (1) of this subsection shall describe or
230 identify:

231 (A) The specific transit projects to be funded which shall have been selected from the
232 regional transit plan and approved by the council;
233 (B) The approximate cost of such transit projects;
234 (C) The operator selected for any transit project or projects proposed if such project or
235 projects are services which require an operator; and
236 (D) The maximum period of time, to be stated in calendar years, for which the tax may
237 be imposed and the rate thereof. The maximum period of time for the imposition of the
238 tax shall not exceed 30 years.

239 (d) Unless the referendum required in Code Section 48-8-269.44 is approved in each of
240 the participating counties, the tax shall not be imposed."

241

SECTION 1-6.

242 Said title is further amended by revising Code Section 48-8-269.44, relating to ballot
243 language, conduct of election, and impact of approval or rejection for neighboring counties
244 and special districts outside nonattainment areas, as follows:

245 "48-8-269.44.

246 (a)(1) The ballot submitting the question of the imposition of a tax for transit projects to
247 the voters within the special district shall have written or printed thereon the following:

248 ' () YES Shall a special ____ percent sales and use tax be imposed in the special
249 district consisting of _____ County for a period of time not to exceed
250 () NO _____ and for the raising of funds for transit projects?'

251 (2) ~~The ballot shall have written and printed thereon the following:~~

252 ~~'NOTICE TO ELECTORS: Unless the tax is approved in (list each county that has
253 selected the project) for the transit projects, the tax shall not become effective.'~~

254 (3) If debt is to be issued, the ballot shall also have written or printed thereon, following
255 the language specified by paragraph (1) of this subsection, the following:

256 'If imposition of the tax is approved by the voters, such vote shall also constitute
257 approval of the issuance of general obligation debt of _____ in the principal
258 amount of \$_____ for the above purpose.'

259 (b) The election superintendent shall issue the call and conduct the election in the manner
260 authorized by general law. Each such election shall be governed, held, and conducted in
261 accordance with the provisions of law from time to time governing the holding of special
262 elections as provided in Code Section 21-2-540. The superintendent shall canvass the
263 returns, declare the result of the election, and certify the result to the Secretary of State and
264 to the commissioner. The expense of the election shall be paid from county funds. All
265 persons desiring to vote in favor of imposing the tax shall vote 'Yes,' and all persons
266 opposed to imposing the tax shall vote 'No.' If more than one-half of the votes cast
267 throughout the entire special district are in favor of imposing the tax ~~in each of the special
268 districts that have elected to hold the referendum~~, then the tax shall be imposed as provided
269 in this article.

270 (c) Where such question is not approved by the voters, the county may resubmit such
271 question from time to time upon compliance with the requirements of this article.

272 (d)(1) If the ~~intergovernmental agreement and proposal include~~ proposal includes the
273 authority to issue general obligation debt and if more than one-half of the votes cast
274 throughout the entire special district ~~and in each of the special districts that have elected
275 to hold the referendum~~ are in favor of the proposal, then the authority to issue such debt
276 in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the
277 proper officers of the county or qualified municipality; otherwise, such debt shall not be

278 issued. If the authority to issue such debt is so approved by the voters as required in this
279 subsection, then such debt may be issued without further approval by the voters.
280 (2) If the issuance of general obligation debt is included and approved as provided in this
281 Code section, then the governing authority of the county may incur such debt either
282 through the issuance and validation of general obligation bonds or through the execution
283 of a promissory note or notes or other instrument or instruments. If such debt is incurred
284 through the issuance of general obligation bonds, such bonds and their issuance and
285 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
286 specifically provided otherwise in this article. If such debt is incurred through the
287 execution of a promissory note or notes or other instrument or instruments, no validation
288 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
289 through 36-80-14 except as specifically provided otherwise in this article. In either event,
290 such general obligation debt shall be payable first from the separate account in which are
291 placed the proceeds received by the county from the tax. Such general obligation debt
292 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
293 county; and any liability on such debt which is not satisfied from the proceeds of the tax
294 shall be satisfied from the general funds of the county."

295 SECTION 1-7.

296 Said title is further amended by revising Code Section 48-8-269.50, relating to disbursement
297 of proceeds from transit special purpose local option sales and use tax, as follows:

298 "48-8-269.50.

299 (a) The proceeds of the tax collected by the commissioner in each special district qualified
300 to levy the tax under ~~Part 2~~ of this article shall be disbursed as soon as practicable after
301 collection as follows:

302 (1) ~~One percent of the amount collected shall be paid into the general fund of the state~~
303 ~~treasury in order to defray the costs of administration; and~~

304 (2) ~~Except for the percentage provided in paragraph (1) of this subsection, the remaining~~
305 ~~proceeds of the tax shall be distributed pursuant to the terms of the intergovernmental~~
306 ~~agreement.~~

307 (b) ~~The proceeds of the tax collected by the commissioner in each special district qualified~~
308 ~~to levy the tax under Part 3 of this article shall be disbursed as soon as practicable after~~
309 ~~collection as follows:~~

310 (1) One percent of the amount collected shall be paid into the general fund of the state
311 treasury in order to defray the costs of administration; and

312 (2) Except for the percentage provided in paragraph (1) of this ~~subsection~~ Code section,
313 the remaining proceeds of the tax shall be distributed to the special district for the transit
314 projects specified in the resolution calling for the imposition of the tax."

315 **SECTION 1-8.**

316 Said title is further amended by revising Code Section 48-8-269.56, relating to provisions of
317 transit special purpose local option sales and use tax create additional tax, as follows:
318 "48-8-269.56.

319 Except as provided in Code Section 48-8-6, the tax authorized under this ~~part~~ article shall
320 be in addition to any other local sales and use tax. Except as otherwise provided in this
321 article and except as provided in Code Section 48-8-6, the imposition of any other local
322 sales and use tax within a county or qualified municipality within a special district shall not
323 affect the authority of a county to impose the tax authorized under this article, and the
324 imposition of the tax authorized under this article shall not affect the imposition of any
325 otherwise authorized local sales and use tax within the special district."

326 **SECTION 1-9.**

327 Said title is further amended in Code Section 48-8-269.57, relating to exclusive use of transit
328 special purpose local option sales and use tax proceeds, audits, and payment of debt, by
329 revising paragraph (1) of subsection (a) and subsection (f) as follows:

330 "(1) The proceeds received from the tax shall be used by the county within the special
331 district ~~or special districts~~ exclusively for the transit projects specified in the resolution
332 calling for imposition of the tax. ~~When the proceeds are received by a special district~~
333 ~~authorized to levy the tax pursuant to Part 2 of this article, such~~ Such proceeds shall be
334 kept in a separate account from other funds of any county receiving proceeds of the tax
335 and shall not in any manner be commingled with other funds of any county prior to the
336 expenditure."

337 "(f)(1)(A)(i) ~~If the proceeds of the tax are specified to be used solely for the purpose~~
338 ~~of payment of general obligation debt issued in conjunction with the imposition of the~~
339 ~~tax authorized to be levied pursuant to Part 2 of this article, then any net proceeds of~~
340 ~~the tax in excess of the amount required for final payment of such debt may be used~~
341 ~~for additional transit projects, provided that a subsequent intergovernmental~~
342 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~
343 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~
344 ~~required by this division is not entered into, then such excess proceeds shall be subject~~
345 ~~to and applied as provided in paragraph (2) of this subsection.~~

346 (ii) If the proceeds of the tax are specified to be used solely for the purpose of
347 payment of general obligation debt issued in conjunction with the imposition of the
348 tax authorized to be levied pursuant to ~~Part 3~~ of this article, then any net proceeds of
349 the tax in excess of the amount required for final payment of such debt may be used
350 for additional transit projects, provided that such projects are selected from the
351 regional transit plan and approved by the authority or the council. If approval from
352 the authority or appropriate council regarding additional transit projects to be funded
353 with any excess net proceeds is not obtained, then such excess proceeds shall be
354 subject to and applied as provided in paragraph (2) of this subsection.

355 (B)(i) ~~If the special district receives from the tax net proceeds in excess of the~~
356 ~~maximum cost of the transit projects stated in the resolution calling for the imposition~~
357 ~~of the tax or in excess of the actual cost of such projects when the tax was authorized~~
358 ~~to be levied pursuant to Part 2 of this article, then such excess proceeds may be used~~
359 ~~for additional transit projects, provided that a subsequent intergovernmental~~
360 ~~agreement meeting the requirements set forth in subsection (b) of Code Section~~
361 ~~48-8-269.43 has been entered into. If a subsequent intergovernmental agreement~~
362 ~~required by this division is not entered into, then such excess proceeds shall be subject~~
363 ~~to and applied as provided in paragraph (2) of this subsection.~~

364 (iii) If the special district receives from the tax net proceeds in excess of the maximum
365 cost of the transit projects stated in the resolution calling for the imposition of the tax
366 or in excess of the actual cost of such projects when the tax was authorized to be
367 levied pursuant to ~~Part 3~~ of this article, then such excess proceeds may be used for
368 additional transit projects, provided that such projects are selected from the regional
369 transit plan and approved by the authority or the appropriate council. If approval from
370 the authority or appropriate council regarding additional transit projects to be funded
371 with any excess net proceeds is not obtained, then such excess proceeds shall be
372 subject to and applied as provided in paragraph (2) of this subsection.

373 (2) Except as provided in paragraph (1) of this subsection, excess proceeds shall be used
374 solely for the purpose of reducing any indebtedness of any county within the special
375 district other than indebtedness incurred pursuant to this article. If there is no such other
376 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
377 then the excess proceeds shall next be paid into the general fund of such county, it being
378 the intent that any funds so paid into the general fund of such county be used for the
379 purpose of reducing ad valorem taxes."

380

SECTION 1-10.

381 Said title is further amended by revising Code Section 48-8-269.58, relating to annual
382 reporting to public of transit project expenditures via newspaper, as follows:

383 "48-8-269.58.

384 Not later than December 31 of each year, the governing authority of the county receiving
385 any proceeds from the tax under this ~~part~~ article shall publish annually, in a newspaper of
386 general circulation in the boundaries of such county, a simple, nontechnical report which
387 shows for each transit project in the resolution calling for the imposition of the tax the
388 original estimated cost, the current estimated cost if it is not the original estimated cost,
389 amounts expended in prior years, and amounts expended in the current year. The report
390 shall also include a statement of what corrective action the county intends to implement
391 with respect to each project which is underfunded or behind schedule and a statement of
392 any surplus funds which have not been expended for a purpose."

393

SECTION 1-11.

394 Said title is further amended by adding a new article to Chapter 13, relating to specific,
395 business, and occupation taxes, to read as follows:

396

"ARTICLE 8

397 48-13-140.

398 It is declared to be the purpose and intent of the General Assembly that:

399 (1) An effective air quality control measure is to reduce the number of motor vehicles
400 on the roadways through an increased use of transit vehicles;
401 (2) Reducing the number of motor vehicles on the roadways is of great import and would
402 aid in improvement of the air quality of this state;
403 (3) An excise tax shall be levied upon for-hire ground transport trips; and
404 (4) Funds derived from such tax shall be made available and used exclusively for transit
405 and transit projects.

406 48-13-141.

407 As used in this article, the term:

408 (1) 'For-hire ground transport service provider' means a limousine carrier, ride share
409 network service, taxi service, and transportation referral service as such terms are defined
410 in Code Section 40-1-190.

411 (2) 'For-hire ground transport trip' means a completed journey by vehicle provided by
412 a for-hire ground transport service provider or any request for such journey for which a
413 customer is charged, whether completed or not.

414 (3) 'Shared for-hire ground transport trip' means any journey in which an individual is
415 matched with, or eligible to be matched with, another individual by a for-hire ground
416 transport service provider for a for-hire ground transport trip.

417 48-13-142.

418 Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution
419 of this state, there are created within this state 159 special districts. The geographical
420 boundary of each county shall correspond with and shall be conterminous with the
421 geographical boundary of one of the 159 special districts.

422 48-13-143.

423 (a) On and after January 1, 2020, an excise tax in the amount of 50¢ shall be levied upon
424 any for-hire ground transport trip and 25¢ upon any shared for-hire ground transport trip.
425 Such excise tax shall be collected and remitted by the for-hire ground transport service
426 provider itself and not the vehicle driver. Such excise tax shall be due and payable in the
427 same manner as would otherwise be required under Article 1 of Chapter 8 of this title.

428 (b) It is the intention of the General Assembly, subject to appropriations, that the taxes
429 collected pursuant to subsection (a) of this Code section shall be made available and used
430 exclusively for transit and transit projects, as such terms are defined in Code Sections
431 48-8-269.40 and 50-31-2.

432 (c) If the amount collected under this Code section is ever not appropriated for a fiscal year
433 as provided by subsection (b) of this Code section, as determined jointly by the House
434 Budget and Research Office and the Senate Budget and Evaluation Office, then the amount
435 collected shall be reduced by 50 percent. Upon the conclusion of a second fiscal year in
436 which the amount collected is not so appropriated, this Code section shall stand repealed
437 and reserved, and such fees shall cease to be collected, on the date the appropriations Act
438 for such fiscal year becomes effective. Such budget offices shall certify any such lack of
439 appropriation to the Code Revision Commission for purposes of updating the Code in
440 accordance with this subsection.

441 48-13-144.

442 Any for-hire ground transport service provider that knowingly and willfully violates the
443 requirements of this article shall be assessed a civil penalty of not more than \$10,000.00
444 in addition to the amount of tax due.

445 48-13-145.

446 A for-hire ground transport service provider shall submit a quarterly report to the
447 department and Department of Mobility and Innovation that identifies the number of
448 for-hire ground transport trips provided by county of origin. All such reports shall be
449 treated as confidential and shall not be subject to Article 4 of Chapter 18 of Title 50,
450 relating to open records.

451 48-13-146.

452 The department is authorized to adopt rules and regulations necessary for the enforcement
453 and implementation of the provisions of this article."

454 **SECTION 1-12.**

455 Code Section 36-80-26 of the Official Code of Georgia Annotated, relating to multi-county
456 community improvement districts for transit projects, is amended by revising paragraph (3)
457 of subsection (a) as follows:

458 ~~"(3) 'Transit' means regular, continuing shared-ride or shared-use surface transportation~~
459 ~~services that are made available by a public entity and are open to the general public or~~
460 ~~open to a segment of the general public defined by age, disability, or low income. Such~~
461 ~~term includes services or systems operated by or under contract with the state, a public~~
462 ~~agency or authority, a county or municipality, a community improvement district, or any~~
463 ~~other similar public entity of this state and all accompanying infrastructure and services~~
464 ~~necessary to provide access to these modes of transportation. Such term excludes charter~~
465 ~~or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal~~
466 ~~services, limousine carriers, and ride-share network services, transportation referral~~
467 ~~services, and taxi services not paid for by a public entity shall have the same meaning as~~
468 ~~provided for in Code Section 50-31-2."~~

469 **SECTION 1-13.**

470 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
471 disclosure is not required under open records requirements, is amended by revising
472 paragraphs (49) and (50) of and adding a new paragraph to subsection (a), to read as follows:

473 ~~"(49) Data, records, or information acquired by the Commissioner of Labor or the~~
474 ~~Department of Labor as part of any investigation required pursuant to Code Section~~
475 ~~39-2-18, relating to minors employed as actors or performers; or~~
476 ~~(50) Held by the Georgia Superior Court Clerks' Cooperative Authority or any other~~
477 ~~public or private entity for and on behalf of a clerk of superior court; provided, however,~~

478 that such records may be obtained from a clerk of superior court unless otherwise
479 exempted from disclosure; or
480 (51) Reports submitted to the Department of Revenue or the Department of Mobility and
481 Innovation by a for-hire ground transport service provider as required pursuant to Code
482 Section 48-13-145."

483 **PART II**
484 **GOVERNANCE**
485 **SECTION 2-1.**

486 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
487 by revising Chapter 31, which is reserved, as follows:

488 **"ARTICLE 1**

489 50-31-1.

490 There is created the Department of Mobility and Innovation.

491 50-31-2.

492 As used in this chapter, the term:

493 (1) 'Commissioner' means the commissioner of the department.

494 (2) 'County' means any county of this state, including any consolidated governments.

495 (3) 'Constitution' means the Constitution of the State of Georgia.

496 (4) 'Contract' means any contract, agreement, or other legally binding arrangement.

497 (5) 'Department' means the Department of Mobility and Innovation.

498 (6) 'Division' means the Transit Link Division of the department established in Part 1 of
499 Article 2 of this chapter.

500 (7) 'Governing body' means the board of commissioners of a county, sole commissioner
501 of a county, council, commissioners, or other governing authority for a county or
502 municipality.

503 (8) 'Local government' means any county, municipality, or other political subdivision of
504 the state; any regional commission; any public agency or public authority, except any
505 state agency or state authority, created under the Constitution or by Act of the General
506 Assembly; shall include public agencies and public authorities which are created or
507 activated pursuant to the Constitution or Act of the General Assembly or by action of the
508 governing body of any county, municipality, or other political subdivision of the state,
509 separately or in any combination; and shall include any group of counties or

510 municipalities which forms the group to carry out jointly any lawful purposes but shall
511 not include school districts.

512 (9) 'Mobility' means public or private services that provide users with on-demand,
513 shared-use transportation utilizing new technologies and modes.

514 (10) 'Mobility zone' means the area established pursuant to Part 2 of Article 2 of this
515 chapter.

516 (11) 'Municipality' has the same meaning as provided in Code Section 36-30-1.

517 (12) 'Necessary' means warranted, desirable, or appropriate, as determined by the
518 commissioner, unless the context clearly indicates a different meaning.

519 (13) 'Regional transit plan' means the official multiyear plan adopted for a mobility zone
520 for the provision of transit services throughout the jurisdiction of such area pursuant to
521 Code Section 50-31-38 or 50-39-12.

522 (14) 'State' means the State of Georgia.

523 (15) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
524 services that are made available by or funded by a public entity and are open to the
525 general public or open to a segment of the general public defined by age, disability, or
526 low income. Such term includes services or systems operated by or under contract with
527 the state, a state agency or authority, a local government, or any other similar public
528 entity of this state and all accompanying infrastructure and services necessary to provide
529 access to these modes of transportation. Such term excludes charter or sightseeing
530 services; school bus services; courtesy shuttle and intra-facility or terminal services;
531 limousine carriers; and ride share network services, transportation referral services, and
532 taxi services, as such terms are defined in Chapter 1 of Title 40, and which are not paid
533 for by a public entity.

534 50-31-3.

535 (a) The head of the department shall be the commissioner who shall exercise supervision
536 and control over all divisions and employees of the department.

537 (b) The commissioner shall be appointed by the Governor and shall serve at the pleasure
538 of the Governor.

539 (c) Beginning July 1, 2019, the commissioner shall receive an annual salary to be set by
540 the Governor, payable monthly or semimonthly, which shall be his or her total
541 compensation for services as commissioner. The commissioner shall not be entitled to
542 receive a contingent expense allowance, except that the commissioner shall be reimbursed
543 for all actual and necessary expenses incurred by him or her in carrying out his or her
544 official duties.

545 (d) The commissioner shall be required to take and subscribe before the Governor an oath
546 to discharge faithfully and impartially the duties of such office, which oath shall be in
547 addition to the oath required of all civil officers.

548 (e) The commissioner shall be of good moral character and shall not have been convicted
549 in any court of competent jurisdiction of any crime involving moral turpitude.

550 50-31-4.

551 (a) The commissioner shall establish by executive order such units within the department
552 as he or she deems proper for its administration and shall designate persons to be directors
553 and assistant directors of such units to exercise such authority as he or she may delegate
554 to them in writing; provided, however, that any such designation at a level of director shall
555 be subject to approval by the Governor.

556 (b) The commissioner shall have the authority to employ as many persons deemed
557 necessary for the administration of the department or authorities assigned to it and for the
558 discharge of the duties of his or her office. The commissioner shall issue all necessary
559 directions, instructions, orders, and rules applicable to such persons. The commissioner
560 shall have authority, as he or she deems proper, to employ, assign, compensate, and
561 discharge employees of the department within the limitations of the department's
562 appropriation, the requirements of the state system of personnel administration, including
563 the rules and regulations of the State Personnel Board, and the restrictions set forth by law.

564 50-31-5.

565 (a) The commissioner shall:

566 (1) Direct the affairs of the department in the administration and enforcement of all laws
567 enacted for the purpose of providing transit and mobility throughout this state;
568 (2) Supervise the administration and funding of transit and project coordination and
569 planning of transit throughout the state, subject to the sovereign rights of the counties to
570 regulate their own affairs;

571 (3) Supervise programs focused on innovative technologies, strategies, and solutions for
572 providing efficient and groundbreaking methods for the movement of people and goods;

573 (4) Be authorized to take actions necessary for the purposes of entering into contracts on
574 behalf of the department in an expedited and efficient manner;

575 (5) On behalf of the department, receive and allocate funding from the state and federal
576 government for capital and operations of transit services and mobility innovation
577 projects; and

578 (6) Submit to the Governor and to each regular session of the General Assembly an
579 annual report of the conduct of his or her office. The commissioner shall not be required

580 to distribute copies of the annual report to the members of the General Assembly but shall
581 notify the members of the availability of the annual report in the manner which he or she
582 deems to be most effective and efficient. As the chief mobility and innovation official
583 of the state, he or she shall advise the Governor and the General Assembly on all matters
584 relating to transit and mobility innovations.

585 (b) The provisions of this Code section enumerating the duties of the commissioner shall
586 not be construed to exclude other duties assigned to the commissioner by law.

587 50-31-6.

588 The commissioner shall be provided with suitable offices and equipment, the expense of
589 which shall be paid by the state or from funds or other resources available to the
590 department for such purpose.

591 50-31-7.

592 (a) The commissioner shall have the power to make and publish in print or electronically
593 reasonable rules and regulations not inconsistent with this chapter or other laws or with the
594 Constitution of this state or of the United States for the enforcement of this chapter.

595 (b) The authority granted to the commissioner pursuant to this Code section shall be
596 exercised at all times in conformity with Chapter 13 of Title 50, the 'Georgia
597 Administrative Procedure Act.'

598 50-31-8.

599 The commissioner shall have an official seal of such device as he or she shall select,
600 subject to the approval of the Governor.

601 50-31-9.

602 (a) The department shall perform the duties, responsibilities, and functions and may
603 exercise the power and authority described in this Code section. The department shall
604 undertake and carry out such planning and technical assistance activities as the
605 commissioner may deem necessary for providing transit and mobility and as may be
606 specified by law. Such planning and technical assistance activities may include, but shall
607 not be limited to, assistance to local governments or any state agency or authority in the
608 form of support with respect to preparation and implementation of a regional transit plan;
609 recommendations for policies and action, and governmental administration, finance,
610 management, planning, coordination, and operations relating to transit; and working with
611 emerging technologies and businesses to develop and implement advanced mobility
612 solutions.

613 (b) The department shall undertake and carry out, and shall coordinate with other state
614 agencies, state authorities, and local governments in undertaking and carrying out, such
615 gathering of information, such distribution of information, and such studies and
616 recommendations as the commissioner may deem necessary for providing transit and
617 innovative mobility and as may be specified by law. Such coordination, gathering, and
618 distribution of information and studies may include, but shall not be limited to, the
619 following:

620 (1) The department may assist the Governor, the General Assembly, any committees of
621 the General Assembly, any state department, any state agency, any state authority, or any
622 local government with studies, surveys, investigations, maps, reports, plans,
623 recommendations, advice, and information prepared, developed, or obtained by the
624 department in connection with the provision of transit and innovative mobility;

625 (2) The department may write, draft, prepare, or publish in print or electronically any
626 studies, surveys, investigations, maps, reports, plans, recommendations, advice, and
627 information with respect to local, regional, or state transit planning, coordination, and
628 operations. The department may distribute or otherwise disseminate any such studies,
629 surveys, investigations, maps, reports, plans, recommendations, advice, and information
630 to any local government, any state authority or state agency, or any private entity; and

631 (3) The department shall serve as the coordinating entity and repository for regional
632 transit plans.

633 (c) The department shall employ mobility zone managers which correspond to the mobility
634 zone jurisdictions set forth in Code Section 50-31-36 for purposes of providing coordinated
635 and comprehensive planning of transit, preparation of regional transit plans, and
636 implementation of regional transit plans in mobility zones throughout the state.

637 (d) The department shall undertake and carry out such activities as the commissioner may
638 deem necessary for supervising the implementation of projects within mobility zones and
639 as may be specified by law.

640 (e) The duties, responsibilities, and functions of the department and the power and
641 authority of the department described in this Code section are cumulative with, and in
642 addition to, all other duties, responsibilities, and functions and power and authority of the
643 department and are not intended to, and shall not be construed to, conflict with any other
644 duties, responsibilities, or functions or any other power or authority of the department.

645 50-31-10.

646 (a) The department shall perform the duties, responsibilities, and functions and may
647 exercise the power and authority described in this Code section. The department shall
648 make grants or loans to eligible recipients or qualified local governments, which grants or

649 loans are specified by amount, recipient, and purpose in an appropriation to the department.

650 The department:

651 (1) Shall disburse such grants or loans on the basis of criteria which include

652 consideration of matters such as legislative intent; local, regional, or state-wide impact

653 or benefit; enhancement of community and economic development opportunities;

654 improvement or expansion of transit; coordinated and comprehensive transit planning in

655 accordance with minimum standards and procedures; deployment of new and

656 groundbreaking technologies in relation to mobility; and any other similar criteria that

657 may from time to time be established by the department; and

658 (2) May condition the award of any such grants or loans to a county or municipality upon

659 the county or municipality, as the case may be, being a qualified local government.

660 (b) The department shall direct the distribution of any appropriations or other funds

661 available for transit and innovative mobility in accordance with any Act of the General

662 Assembly providing for such appropriations. No grant or loan by the department to any

663 eligible recipient or qualified local government shall adversely affect any grant, loan, or

664 service to the eligible recipient or qualified local government by any other unit or

665 instrumentality of state government. Without limiting the foregoing, the Department of

666 Education, the Department of Transportation, the Georgia Environmental Finance

667 Authority, and the state treasurer shall not diminish or fail to award any funds, loans, or

668 service to any recipient under any state or federal program in whole or in part on account

669 of a grant or loan by the department. Grants or loans by the department are and shall be

670 deemed to be of a special nature and in addition to all such other grants, loans, or awards.

671 The following provisions shall apply to making such funds available to eligible recipients

672 or qualified local governments:

673 (1) The department may accept, use, and disburse gifts and grants made to it on terms

674 consistent with its legal powers, from any public or private source;

675 (2) The department shall specify the terms under which it makes any funds available to

676 an eligible recipient or qualified local government. The terms shall be those established

677 or otherwise required by the government or other source which makes the funds available

678 to the department. If such government or other source does not establish or otherwise

679 require any such terms, the department may establish the terms;

680 (3) The department shall set forth in writing the terms under which the department makes

681 funds available to a qualified local government or eligible recipient. The terms may be

682 set forth in a contract. The department may execute any such contract on behalf of the

683 state, and any eligible recipient which is a qualified local government, school district,

684 state agency, or state authority is authorized to execute any such contract. Any such

685 writing or contract may incorporate other terms or laws by reference to such terms or
686 laws; and

687 (4) The department shall manage and administer all funds made available pursuant to this
688 Code section.

689 (c) The department may apply for, receive, administer, and use any grant, other financial
690 assistance, or other funds made available to the department from any government or other
691 source for furthering the purposes of the department. The department's actions in this
692 respect may be taken for itself or on behalf of qualified local governments or other eligible
693 recipients. The department's power and authority under this subsection shall include, but
694 not be limited to, federal funds for purposes of transit funding for capital projects and for
695 financing and directly providing public transportation under 49 U.S.C. Sections 5302
696 through 5304.

697 (d) The department is authorized and shall have all powers necessary to participate in
698 federal programs and to comply with laws relating thereto. Nothing in this chapter shall
699 prevent the department from taking any action in order to comply with federal law or
700 regulations.

701 (e) The governing authority of any county, municipality, or combination thereof may
702 expend public funds received from the department to plan, coordinate, or provide transit
703 or innovative mobility as authorized under the terms specified by the department or, in the
704 absence of any such terms, as otherwise authorized by the Constitution or by law or to
705 perform any other service or function as authorized by the Constitution.

706 (f) The department shall make available to any state agency or authority assigned to the
707 department for administrative purposes all funds made available to the department for the
708 use of any such state authority or agency. The department may make available funds to
709 such state agencies or authorities for any lawful purposes of any such state agencies or
710 authorities.

711 (g) The power and authority of the department under this Code section to make available
712 to local governments or any other eligible recipient any funds shall be limited by the
713 Constitution and laws of the state, and as specified in this Code section, but shall not
714 otherwise be limited. Nothing in this Code section shall diminish or limit any powers or
715 eligibility standards provided to the State Road and Tollway Authority through the
716 Transportation Infrastructure Bank pursuant to Article 2 of Chapter 10 of Title 32.

717 50-31-11.

718 In any case where a development of regional impact, as determined by the Department of
719 Community Affairs pursuant to Article 1 of Chapter 8 of this title, is planned within the
720 geographic area over which the Atlanta-region Transit Link 'ATL' Authority has

721 jurisdiction which requires the expenditure of state or federal funds by the state or any
722 political subdivision, agency, authority, or instrumentality thereof to create land
723 transportation services or access to such development, any expenditure of such funds shall
724 be prohibited unless and until the plan for such development and such expenditures is
725 reviewed and approved by the department. The decision of the department to allow or
726 disallow the expenditure of such funds shall be final and nonreviewable, except that such
727 decision shall be reversed where a resolution for such purpose is passed by vote of
728 three-fourths of the authorized membership of the county commission of the county in
729 which the development of regional impact is planned or, if such development is within a
730 municipality, by vote of three-fourths of the authorized membership of the city council.

731 50-31-12.

732 (a) Authorities may be assigned to the department for administrative purposes in
733 accordance with Code Section 50-4-3. The Atlanta-region Transit Link 'ATL' Authority
734 shall be assigned to the department in accordance with such Code section.

735 (b) The department may induce, by payment of state funds or other consideration, any
736 authority assigned to the department for administrative purposes to perform any local
737 government services and to perform its own statutory function.

738 (c) The commissioner shall serve as the executive director for any authority assigned to
739 the department pursuant to this Code section.

740 50-31-13.

741 (a) On July 1, 2020, all functions related to the administration, implementation, or
742 coordination of transit services and all federal or state funding relating thereto assigned or
743 appropriated to the Department of Transportation, Department of Human Services,
744 Department of Behavioral Health and Developmental Disabilities, and Department of
745 Community Health shall be administratively transferred to the department.

746 (b) The department shall succeed to all rules, regulations, policies, procedures, and
747 administrative orders of the Department of Transportation, Department of Human Services,
748 Department of Behavioral Health and Developmental Disabilities, and Department of
749 Community Health that are in effect on June 30, 2020, or scheduled to go into effect on or
750 after July 1, 2020, and which relate to the functions transferred to the department pursuant
751 to this Code section and shall further succeed to any rights, privileges, entitlements,
752 obligations, and duties of the Department of Transportation, Department of Human
753 Services, Department of Behavioral Health and Developmental Disabilities, and
754 Department of Community Health that are in effect on June 30, 2020, which relate to the
755 functions transferred to the department pursuant to this Code section. Such rules,

756 regulations, policies, procedures, and administrative orders shall remain in effect until
757 amended, repealed, superseded, or nullified by the department by proper authority or as
758 otherwise provided by law. Nothing in this Code section shall prevent the department from
759 taking any action in order to comply with federal law or regulations.

760 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,
761 agreements, and other transactions as identified by the Office of Planning and Budget
762 entered into before July 1, 2020, by the Department of Transportation, Department of
763 Human Services, Department of Behavioral Health and Developmental Disabilities, and
764 Department of Community Health which relate to the functions transferred to the
765 department pursuant to this Code section shall continue to exist; and none of these rights,
766 privileges, entitlements, and duties are impaired or diminished by reason of the transfer of
767 the functions to the department; provided, however, that nothing in this Code section shall
768 hinder the commissioner from making decisions based upon employment needs of the
769 department. In all such instances, the department shall be substituted for the Department
770 of Transportation, Department of Human Services, Department of Behavioral Health and
771 Developmental Disabilities, and Department of Community Health and the department
772 shall succeed to the rights and duties under such contracts, leases, agreements, and other
773 transactions.

774 (d) All vacant positions and persons employed by the Department of Transportation,
775 Department of Human Services, Department of Behavioral Health and Developmental
776 Disabilities, and Department of Community Health in capacities which relate to the
777 functions transferred to the department pursuant to this Code section on June 30, 2020,
778 shall, on July 1, 2020, become employees of the department in similar capacities, as
779 determined by the commissioner. Such employees shall be subject to the employment
780 practices and policies of the department on and after July 1, 2020, but the compensation
781 and benefits of such transferred employees shall not be reduced as a result of such transfer;
782 provided, however, that nothing in this Code section shall hinder the commissioner from
783 making decisions based upon employment needs of the department. Employees who are
784 subject to the rules of the State Personnel Board and thereby under the State Personnel
785 Administration and who are transferred to the department shall retain all existing rights
786 under the State Personnel Administration. Retirement rights of such transferred employees
787 existing under the Employees' Retirement System of Georgia or other public retirement
788 systems on June 30, 2020, shall not be impaired or interrupted by the transfer of such
789 employees, and membership in any such retirement system shall continue in the same
790 status possessed by the transferred employees on June 30, 2020. Accrued annual and sick
791 leave possessed by the transferred employees on June 30, 2020, shall be retained by such
792 employees as employees of the department.

793 (e) On July 1, 2020, the department shall receive custody of the state owned real property
794 in the custody of the Department of Transportation, Department of Human Services,
795 Department of Behavioral Health and Developmental Disabilities, and Department of
796 Community Health on June 30, 2020, and which pertains to the functions transferred to the
797 department pursuant to this Code section.

798 (f) All property held by or under the control of the State Road and Tollway Authority
799 relating to the provision of transit, including, but not limited to, motor vehicles and parking
800 facilities, shall be transferred to the department on July 1, 2020.

801 (g) All equipment, motor vehicles, or other tangible property and any funding previously
802 allocated for any maintenance or operations of such property in possession of the
803 Department of Transportation, Department of Human Services, Department of Behavioral
804 Health and Developmental Disabilities, and Department of Community Health which is
805 used or held exclusively or principally by personnel transferred under this Code section
806 shall be transferred to the department as of July 1, 2020.

807 50-31-14.

808 (a) Subject to appropriation of funds by the General Assembly for such purposes, the
809 department shall conduct a three-year pilot program for the provision of vouchers for the
810 use of transit to the unemployed and underemployed. In designing the pilot program, the
811 department may obtain input from the Georgia Department of Labor and shall be
812 authorized to work with such department to ensure that available state data, such as
813 enrollment in an unemployment benefits program, is leveraged to reduce program cost and
814 assist in determining applicant eligibility. The department shall further work with the
815 Georgia Department of Labor in the development and implementation of a cost-effective
816 and efficient delivery method for transit vouchers to the unemployed and underemployed.
817 (b) Eligibility standards and application procedures for voucher recipients in such program
818 shall be developed by the department; provided, however, that such program shall be
819 available only to applicants residing in a county with:

820 (1) An unemployment rate at 125 percent or greater than the state's average; or
821 (2) A per capita income of less than 75 percent of the state's average.

822 (c) The department shall develop an application and standards for approval of authorized
823 transit providers to accept transit vouchers issued by the department. An authorized transit
824 provider shall, at a minimum, meet all applicable safety, insurance, and registration
825 requirements.

826 (d) The department shall be authorized to develop a payment method and process for the
827 reimbursement to authorized transit providers for services provided in exchange for the
828 voucher established pursuant to this Code section.

829 (e) Annually for the duration of the pilot program, the department shall submit a detailed
830 written report on the implementation and effectiveness of the pilot program to the
831 Governor, the Speaker of the House of Representatives, the President of the Senate, and
832 the chairpersons of the House and Senate Transportation Committees. The final report
833 shall also include recommendations as to expansion of the pilot program state wide.

834 50-31-15.

835 (a) For purposes of this Code section, the term:

836 (1) 'ATL' means the Atlanta-Region Transit Link 'ATL' Authority.

837 (2) 'Authority district' means the districts within the ATL created pursuant to
838 paragraph (2) of subsection (a) of Code Section 50-39-4.

839 (3) 'Micro-transit' means a technology enabled, on-demand transit service with flexible
840 routing and scheduling of multi-passenger vehicles.

841 (b) Subject to appropriation of funds by the General Assembly for such purposes, the
842 department shall conduct a pilot program for the award of up to three grants to private
843 sector businesses for the provision of micro-transit within the jurisdiction of the ATL.
844 Each grant shall be limited to an award amount of no more than \$500,000.00. No more
845 than one grant per authority district shall be awarded.

846 (c) The department shall develop an application and standards for awarding the grants
847 provided for in this Code section to qualified applicants. In making an award
848 determination, the department shall consider whether the applicant's proposal will:

849 (1) Connect two or more existing transit systems within the jurisdiction of the ATL;

850 (2) Provide connectivity between an existing transit provider and an area within the
851 jurisdiction of the ATL without transit; or

852 (3) Provide access to economic activity centers such as employment sites or education
853 or training facilities to low income or underserved residents.

ARTICLE 2

Part 1

856 50-31-25.

857 (a) There is created within the department a Transit Link Division.

858 (b) The division shall be responsible for the development of programs and the provision
859 of services relating to transit, the allocation of state and federal funds for the provision of
860 such services, and coordination with local public and private service providers to ensure
861 efficient and cost-effective service delivery.

862 50-31-26.

863 (a) There is created the Transit Coordinating Council which shall be composed of the
864 commissioner and the commissioners of transportation, human services, behavioral health
865 and developmental disabilities, and community health, or their respective designees. The
866 commissioner or his or her designee shall serve as chairperson. Designees appointed
867 pursuant to this Code section by the commissioner of a department shall at a minimum be
868 at the level of division director.

869 (b) The Transit Coordinating Council shall meet at the call of the chairperson at such times
870 and locations as the chairperson shall determine. The council shall meet not less often than
871 quarterly, and expenses for participation of its members in said meetings shall be borne by
872 each participating agency. Administrative expenses, other than travel or per diem expenses
873 of members, shall be borne by the department.

874 (c) The Transit Coordinating Council shall advise the division as to the implementation
875 of programs and provision of transit to the indigent, the aged, persons with disabilities, the
876 unemployed, or the ill.

877 50-31-27.

878 (a) The department shall develop and conduct a three-year pilot program for the purpose
879 of providing a tax credit to employers that provide a transit benefit program to potential
880 employees in order to use transit to travel to or from work. In such pilot program, mobility
881 zone managers shall work with employers in a mobility zone interested in providing transit
882 as a means for recruitment of new employees. In consultation with interested employers
883 and existing and potential transit providers, mobility zone managers shall develop a new
884 employee tax credit proposal for the mobility zone. The department shall determine the
885 form for submission and required contents for such proposals, which shall include, at a
886 minimum:

- 887 (1) Each potential participating employer;
- 888 (2) A description of the type or types of transit to be provided by each employer;
- 889 (3) The number of new employees expected to be gained through the program; and
- 890 (4) The total projected cost of providing such transit.

891 (b) The proposal provided for in subsection (a) of this Code section shall be submitted to
892 the division. Upon receipt of such proposals, the division shall choose one mobility zone
893 for award of the pilot program and implementation of the new employee tax credit
894 proposal. In determining which mobility zone shall be awarded the pilot program, the
895 division shall consider:

- 896 (1) Transit access challenges to unemployed persons within the mobility zone or area to
897 be served;

898 (2) Challenges to employers within the mobility zone in filling positions or retaining
899 employees which can be attributed to transit access;
900 (3) The level of innovation proposed to address transit access challenges of the
901 unemployed and employers;
902 (4) Capability of potential participating employers to participate in the pilot program for
903 its duration;
904 (5) The relationship between the anticipated number of new employees expected to be
905 added for an employer and the cost of the service to be provided;
906 (6) Expected economic impact on development within a mobility zone by offering
907 proposed services, including expansion of existing employer operations and attraction of
908 new employers;
909 (7) Ability of the mobility zone to attract employers and encourage private sector
910 partnerships in delivering transit; and
911 (8) Other factors deemed appropriate by the division.
912 (c) Upon the award of a pilot program to a mobility zone, the employers listed in the
913 proposal shall be eligible for a tax credit of \$100.00 per month per new employee hired and
914 enrolled in the program in accordance with Code Section 48-7-29.3. The maximum
915 allowable tax credit authorized for this pilot program shall be \$1 million annually.
916 (d) The proposal of a mobility zone awarded the pilot program may be amended by a
917 mobility zone manager to add an employer upon approval of the division.
918 (e) Quarterly for the duration of the pilot program, the mobility zone manager shall submit
919 a detailed written report on the implementation and effectiveness of the pilot program to
920 the division, which shall include the number of employee participants hired per employer
921 due to the transit services provided and the costs of services provided.

922 Part 2

923 50-31-35.
924 As used in this part, the term:
925 (1) 'Council' means the mobility zone advisory council assigned to each mobility zone
926 provided for by this part.
927 (2) 'Regional commission' means a commission established under Article 2 of Chapter
928 8 of this title.
929 50-31-36.
930 (a) Mobility zones are hereby created and established for purposes of coordinated and
931 comprehensive planning of transit with mobility zones. Mobility zones shall function as

932 the regional planning entity for transit in each designated mobility zone of the state as such
933 zones are set forth in subsection (b) of this Code section. Each mobility zone shall be
934 designated, by name for all purposes, with such identifying words before the term 'mobility
935 zone' as the department may choose and designate by official action.

936 (b) The territorial boundaries for the operation of the mobility zones shall be as follows:
937 Zone 1 shall be made up of the counties of Bartow, Catoosa, Chattooga, Dade, Fannin,
938 Floyd, Gilmer, Gordon, Haralson, Murray, Pickens, Polk, Walker, and Whitfield; Zone 2
939 shall be made up of the counties of Banks, Barrow, Clarke, Dawson, Elbert, Franklin,
940 Greene, Habersham, Hall, Hart, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton,
941 Oconee, Oglethorpe, Rabun, Stephens, Towns, Union, Walton, and White; Zone 3 shall be
942 made up of the counties of Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins,
943 Lincoln, McDuffie, Richmond, Taliaferro, Warren, Washington, and Wilkes; Zone 4 shall
944 be made up of the counties of Butts, Carroll, Chattahoochee, Clay, Crisp, Dooly, Harris,
945 Heard, Lamar, Macon, Marion, Meriwether, Muscogee, Pike, Quitman, Randolph, Schley,
946 Spalding, Stewart, Sumter, Talbot, Taylor, Troup, Upson, and Webster; Zone 5 shall be
947 made up of the counties of Appling, Baldwin, Bibb, Bleckley, Candler, Crawford, Dodge,
948 Emanuel, Evans, Houston, Jeff Davis, Johnson, Jones, Laurens, Monroe, Montgomery,
949 Peach, Pulaski, Putnam, Tattnall, Telfair, Toombs, Treutlen, Twiggs, Wayne, Wheeler,
950 Wilcox, and Wilkinson; Zone 6 shall be made up of the counties of Bryan, Bulloch,
951 Camden, Chatham, Effingham, Glynn, Liberty, Long, McIntosh, and Screven; Zone 7 shall
952 be made up of the counties of Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady,
953 Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth; Zone 8 shall be made up of
954 the counties of Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch,
955 Coffee, Cook, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, and Ware; and Zone
956 9 shall be made up of the counties of Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas,
957 Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, and Rockdale.

958 50-31-37.

959 (a) Except as provided for in subsection (c) of this Code section, the approval of a regional
960 transit plan of a mobility zone shall be vested in a council, subject to the provisions of this
961 chapter and to the provisions of bylaws adopted by a council as authorized by this chapter.
962 Each council shall make bylaws governing its own operation and functions.

963 (b)(1) Except as provided for in subsection (c) of this Code section, each council shall be
964 made up of seven members appointed by the chairperson of the regional commission with
965 territorial limits which coincide with the mobility zone. If a mobility zone encompasses
966 the territorial limits of more than one regional commission, four members shall be
967 appointed by the chairperson of the regional commission with the greatest total

968 population, and three members shall be appointed by the chairperson of the other regional
969 commission. Members of the council shall be selected from among the local elected
970 officials which are members of the regional commission with territorial limits which
971 coincide with the mobility zone and shall include the chief elected official from the most
972 populous county.

973 (2) The term of a member shall terminate immediately upon:

974 (A) Resignation by a member;

975 (B) Death of a member or inability to serve as a member due to medical infirmity or
976 other incapacity; or

977 (C) Any change in local elective office or residence of a member which would cause
978 such member to no longer comply with the requirements of membership to a regional
979 commission council as provided in Code Section 50-8-34.

980 (3) Each member of a council shall have one vote. Establishment of a quorum for
981 purposes of the conduct of business shall be determined by the council's bylaws.

982 (4) Each council shall elect from among its members a chairperson, vice chairperson, and
983 secretary or treasurer who shall serve for a term of two years and until their successors
984 are elected and qualified. Such elections shall be held biennially at a meeting designated
985 for that purpose in the council's bylaws.

986 (c) The council for Zone 9 shall be the board of directors for the Atlanta-region Transit
987 Link 'ATL' Authority and shall be governed in all respects by the provisions of Chapter 39
988 of this title.

989 50-31-38.

990 (a) In consultation with the metropolitan planning organization, as such term is defined in
991 Code Section 48-8-242, which jurisdiction is located wholly or partially within the
992 territorial limits of the mobility zone, the department shall develop, annually review, and
993 amend, as necessary, a regional transit plan. Such plan shall include, but not be limited to,
994 transit projects based upon a region-wide approach to the provision of transit services,
995 enhancement of connectivity throughout the territorial limits of the mobility zone,
996 cost-effective expansion of existing transit systems, the coordination of schedules and
997 methods of payment for transit service providers, the delivery of transit through
998 nontraditional methods or innovative technologies, and a coordinated approach to the
999 provision of services to segments of the general public defined by age, disability, or low
1000 income. In developing such plan, the department may consider both macro level planning
1001 in order to efficiently coordinate transit across jurisdictional lines as well as micro level
1002 planning of services being delivered by local governments and transit service operators, in
1003 order to ensure continuation of current services or routes.

1004 (b) The plan developed pursuant to this Code section shall include, at a minimum, a six
1005 year and 20 year component which shall reflect the federal priorities set forth in 23 U.S.C.
1006 Section 134(i)(2)(A)(ii) and 23 U.S.C. Section 134(j)(2)(A) and, upon approval by the
1007 council, shall serve as the plans to be submitted for federal funding pursuant to such federal
1008 requirements.

1009 (c) In addition to amendments made to the plan developed pursuant to this Code section
1010 upon the initiative of the department based upon changing conditions and approval by the
1011 council, the department may amend the plan upon request from a local governing authority
1012 to include a certain project or assist with a specific transit need."

1013 SECTION 2-2.

1014 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
1015 imposition, rate, computation, and exemptions for income taxes, is amended by adding a new
1016 Code section to read as follows:

1017 "48-7-29.3.

1018 (a) For a period beginning January 1, 2021, and ending December 31, 2023, a taxpayer
1019 that is an approved participating employer in the pilot program established pursuant to
1020 Code Section 50-31-27 shall be allowed a credit against the tax imposed by this chapter in
1021 an amount equal to \$100.00 per month per new employee transit benefit provided.

1022 (b) The commissioner may require adequate supporting documentation showing that the
1023 taxpayer provided a new employee with the qualifying transit benefit.

1024 (c) In no event shall the total amount of the tax credit under this Code section for a taxable
1025 year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the
1026 taxpayer against succeeding years' tax liability. No such credit shall be allowed the
1027 taxpayer against prior years' tax liability.

1028 (d) Any taxpayer claiming the tax credit provided for by this Code section shall be
1029 required to reimburse the department for any department initiated audits relating to the tax
1030 credit. This subsection shall not apply to routine tax audits of a taxpayer which may
1031 include a review of the credit provided in this Code section.

1032 (e) The commissioner shall be authorized to promulgate any rules and regulations
1033 necessary to implement and administer the provisions of this Code section."

1034 SECTION 2-3.

1035 Code Section 32-2-69 of the Official Code of Georgia Annotated, relating to bidding process
1036 and award of contract, is amended as follows:

1037 "32-2-69.

1038 (a) Except as authorized by Code Sections 32-2-79 and 32-2-80, the department shall
1039 award ~~the contract~~ contracts to the lowest reliable bidder, provided that the department
1040 shall have the right to reject any and all such bids whether such right is reserved in the
1041 public notice or not and, in such case, the department may readvertise, perform the work
1042 itself, or abandon the project.

1043 (b) If only one bid is received, the department shall open and read the bid. If the bid is at
1044 or below the department's cost estimate for the project as certified by the chief engineer,
1045 such cost estimate shall be read immediately and publicly. If the bid exceeds the
1046 department's cost estimate for the project, the department may negotiate with the bidder to
1047 establish a fair and reasonable price for the contract, provided that the resulting negotiated
1048 contract price is not greater than the bid and that the department's cost estimate is disclosed
1049 to the bidder prior to the beginning of the negotiations. For purposes of this Code section,
1050 posting of a bid on the department's website shall be equivalent to having read the bid.

1051 (c) If the department made errors in the bidding documents which resulted in an
1052 unbalanced bid, the department may negotiate with the lowest reliable bidder to correct
1053 such errors, provided that the lowest reliable bidder is not changed.

1054 (d) If the lowest reliable bidder is released by the department because of an obvious error
1055 or if the lowest reliable bidder refuses to accept the contract and thereby forfeits the bid
1056 bond, the department may award the contract to the next lowest reliable bidder, readvertise,
1057 perform the work itself, or abandon the project.

1058 (e) ~~For purposes of this Code section, posting of a bid on the department's website shall~~
1059 ~~be equivalent to having read the bid.~~

1060 (f) The signed, notarized affidavit required in subsection (b) of Code Section 13-10-91
1061 shall be submitted to the department prior to the award of any contract.

1062 (f) The department shall provide by rule and regulation for a procedure to appeal the
1063 rejection of any bid for contracts the department is authorized to enter into under this Code
1064 section."

1065 **PART III**

1066 **ABOLISHMENT OF THE GEORGIA REGIONAL**

1067 **TRANSPORTATION AUTHORITY**

1068 **SECTION 3-1.**

1069 Code Section 40-1-100, relating to definitions relative to the certification of motor carriers,
1070 is amended by replacing "Georgia Regional Transportation Authority" with "Atlanta-region
1071 Transit Link 'ATL' Authority" wherever the former occurs.

SECTION 3-2.

1072
1073 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
1074 in Code Section 50-23-4, relating to definitions relative to the Environmental Finance
1075 Authority, by revising paragraph (12) as follows:

1076 "(12) 'Project' means:

1077 (A) The acquisition, construction, installation, modification, renovation, repair,
1078 extension, renewal, replacement, or rehabilitation of land, interest in land, buildings,
1079 structures, facilities, or other improvements and the acquisition, installation,
1080 modification, renovation, repair, extension, renewal, replacement, rehabilitation, or
1081 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
1082 whatsoever used on, in, or in connection with any such land, interest in land, building,
1083 structure, facility, or other improvement, all for the essential public purpose of
1084 providing environmental facilities and services so as to meet public health and
1085 environmental standards, protect the state's valuable natural resources, or aid the
1086 development of trade, commerce, industry, agriculture, and employment opportunities,
1087 including, but not limited to, any project as defined by Code Section 12-5-471; and
1088 (B) ~~Projects authorized by the Georgia Regional Transportation Authority created by
1089 Chapter 32 of this title and as defined in such chapter, where such authority has been
1090 directed to issue revenue bonds, bonds, notes, or other obligations to finance such
1091 project or the cost of a project in whole or in part, provided that such authority's power
1092 with respect to such projects authorized by the Georgia Regional Transportation
1093 Authority shall be limited to providing such financing and related matters as authorized
1094 by the Georgia Regional Transportation Authority, and~~
1095 (C) Projects authorized by the Atlanta-region Transit Link 'ATL' Authority created
1096 pursuant to Chapter 39 of this title and as defined in such chapter, where such authority
1097 has been directed to issue revenue bonds, bonds, notes, or other obligations to finance
1098 such project or the cost of a project in whole or in part, provided that such authority's
1099 power with respect to such projects authorized by the Atlanta-region Transit Link 'ATL'
1100 Authority shall be limited to providing such financing and related matters as authorized
1101 by the Atlanta-region Transit Link 'ATL' Authority."

SECTION 3-3.

1102
1103 Said title is further amended by repealing Chapter 32, relating to the Georgia Regional
1104 Transportation Authority, in its entirety and designating such chapter as reserved.

1105

SECTION 3-4.

1106 Said title is further amended in Code Section 50-39-14, relating to approval of projects,
1107 issuance of bonds or other financing issues of the Atlanta-region Transit Link "ATL"
1108 Authority and subordination of Georgia Environmental Finance Authority, by revising
1109 subsection (c) as follows:

1110 "(c) The Georgia Environmental Finance Authority shall be subordinate to the authority
1111 in all respects, with respect to authority projects, within the geographic area over which the
1112 authority has jurisdiction; and, in the event of any conflict with the provisions of Chapter
1113 23 of this title, the provisions of this chapter shall prevail in all respects. It is expressly
1114 provided, however, that nothing in this Code section and nothing in this chapter shall be
1115 construed to permit in any manner the alteration, elimination, or impairment of any term,
1116 provision, covenant, or obligation imposed on any state authority, including but not limited
1117 to this authority, the Georgia Environmental Finance Authority, ~~the Georgia Regional~~
1118 ~~Transportation Authority~~, or the Georgia Rail Passenger Authority, for the benefit of any
1119 owner or holder of any bond, note, or other obligation of any such authority."

1120

SECTION 3-5.

1121 Said title is further amended by adding a new Code section to read as follows:

1122 "50-39-29.

1123 (a) All assets, property, and legal rights and obligations, including, but not limited to, all
1124 bonded indebtedness, of the Georgia Regional Transportation Authority shall devolve by
1125 operation of law upon the authority on July 1, 2020.

1126 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,
1127 agreements, and other transactions, including commitments related to federal funds, entered
1128 into before July 1, 2020, by the Georgia Regional Transportation Authority shall continue
1129 to exist; and none of these rights, privileges, entitlements, and duties are impaired or
1130 diminished by reason of the transfer of the functions to the authority. In all such instances,
1131 the authority shall be substituted for the Georgia Regional Transportation Authority and
1132 the authority shall succeed to the rights and duties under such contracts, leases, agreements,
1133 and other transactions, including to commitment relating to federal funds.

1134 (c) All persons employed by the Georgia Regional Transportation Authority shall, on July
1135 1, 2020, become employees of the authority in similar capacities, as determined by the
1136 commissioner of mobility and innovation. Such employees shall be subject to the
1137 employment practices and policies of the authority on and after July 1, 2020, but the
1138 compensation and benefits of such transferred employees shall not be reduced as a result
1139 of such transfer. Employees who are subject to the rules of the State Personnel Board and
1140 thereby under the State Personnel Administration and who are transferred to the department

1141 shall retain all existing rights under the State Personnel Administration. Retirement rights
1142 of such transferred employees existing under the Employees' Retirement System of Georgia
1143 or other public retirement systems on June 30, 2020, shall not be impaired or interrupted
1144 by the transfer of such employees, and membership in any such retirement system shall
1145 continue in the same status possessed by the transferred employees on June 30, 2020.
1146 Accrued annual and sick leave possessed by the transferred employees on June 30, 2020,
1147 shall be retained by such employees as employees of the authority.

1148 (d) On July 1, 2020, the authority shall receive custody of the real property in the custody
1149 of the Georgia Regional Transportation Authority on June 30, 2020.

1150 (e) All equipment or other tangible property in possession of the Georgia Regional
1151 Transportation Authority which is used or held exclusively or principally by personnel
1152 transferred under this Code section shall be transferred to the authority as of July 1, 2020."

1153 SECTION 3-6.

1154 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,
1155 is amended by revising Code Section 45-12-203, relating to membership, chair, and meetings
1156 of the Governor's Development Council, as follows:

1157 "45-12-203.

1158 (a) The members of the board of directors of the Georgia Regional Transportation
1159 Authority provided by Code Section 50-32-4, upon their initial appointment and thereafter,
1160 shall constitute the membership of the council. Membership on that authority or the council
1161 shall not constitute an appointment to an office of honor or trust for purposes of subsection
1162 (a) of Code Section 50-32-4 The council's board of directors shall consist of 15 members.
1163 All members of the board and their successors shall be appointed for terms of five years
1164 each, except that the initial terms for eight members of the board appointed in 2019 shall
1165 be three years each; and the particular beginning and ending dates of such terms shall be
1166 specified by the Governor. All members of the board shall be appointed by the Governor
1167 and shall serve until the appointment and qualification of a successor, the provisions of
1168 subsection (b) of Code Section 45-12-52 to the contrary notwithstanding, except as
1169 otherwise provided in this Code section. No person holding any other office created by or
1170 under the provisions of the Constitution of Georgia shall be appointed to membership;
1171 provided, however, that elected officials of county or local governments shall be eligible
1172 for such appointment.

1173 (b) The chair of the Georgia Regional Transportation Authority board of directors shall
1174 serve as the chair of the council be appointed and designated by the Governor.

1175 (c) The council shall hold meetings as often as the chair determines, but not more than 12
1176 days each year. The chair may call special meetings upon adequate written, personal,

1177 telephone, or facsimile notice to members of the council. A majority of the members of
1178 the council shall constitute a quorum for conducting business. No member may act through
1179 a proxy, designee, or delegate. The council may establish, from time to time, such
1180 additional rules and procedures as the council deems appropriate for conducting the
1181 council's business. These rules and procedures may be established in bylaws or in such
1182 other form as the council deems appropriate."

1183 **PART IV**

1184 **ATLANTA-REGION TRANSIT LINK "ATL" AUTHORITY**

1185 **SECTION 4-1.**

1186 Chapter 39 of Title 50 of the Official Code of Georgia Annotated, relating to the
1187 Atlanta-region Transit Link "ATL" Authority, is amended in Code Section 50-39-2, relating
1188 to definitions, by revising paragraph (18) as follows:

1189 "(18) 'Transit' means regular, continuing shared-ride or shared-use surface transportation
1190 services that are made available by a public entity and are open to the general public or
1191 open to a segment of the general public defined by age, disability, or low income. Such
1192 term includes services or systems operated by or under contract with the state, a public
1193 agency or authority, a county or municipality, a community improvement district, or any
1194 other similar public entity of this state and all accompanying infrastructure and services
1195 necessary to provide access to these modes of transportation. Such term excludes charter
1196 or sightseeing services, school bus services, courtesy shuttle and intra-facility or terminal
1197 services, limousine carriers, ride share network services, transportation referral services,
1198 and taxi services not paid for by a public entity shall have the same meaning as provided
1199 for in Code Section 50-31-2."

1200 **SECTION 4-2.**

1201 Said chapter is further amended in Code Section 50-39-3, relating to creation of the
1202 Atlanta-region Transit Link "ATL" Authority and board of directors, by revising subsection
1203 (a) as follows:

1204 "(a) There is created the Atlanta-region Transit Link 'ATL' Authority as a body corporate
1205 and politic, which shall be deemed an instrumentality of the State of Georgia and a public
1206 corporation thereof, for purposes of managing or causing to be managed transit and air
1207 quality within certain areas of this state; and by that name, style, and title such body may
1208 contract and be contracted with and bring and defend actions in all courts of this state.
1209 Such authority shall serve as the sole entity for coordination and planning and the
1210 dispersing of federal and state funding for transit within the jurisdiction of the authority.

1211 Such authority shall work with counties, municipalities, and operators of transit services
1212 within the jurisdiction of the authority and the Department of Mobility and Innovation to
1213 provide a consistent and integrated vision for transit through transparent decision making
1214 and execution. This Code section shall not be deemed to impair or interfere in any manner
1215 with any existing rights under a contract entered into prior to December 1, 2018, or any
1216 federal grants or agreements awarded or entered into prior to December 1, 2018. This
1217 Code section shall not be applicable to projects or services provided for under the terms of
1218 a contract entered into as of December 1, 2018, under the authority granted pursuant to a
1219 local constitutional amendment set out at Ga. L. 1964, p. 1008, and the planning, funding,
1220 coordination, and delivery of such projects or services shall be as provided for by such
1221 contract or contracts."

1222 SECTION 4-3.

1223 Said chapter is further amended in Code Section 50-39-4, relating to membership, structure,
1224 operation, appointment of executive director, and annual reporting of the authority, by
1225 revising paragraph (1) of subsection (a) and subsections (b), (c), and (i) through (k) as
1226 follows:

1227 "(a)(1) The board of directors of the authority shall consist of 16 members, ten of whom
1228 shall be appointed from the authority districts described in paragraph (2) of this
1229 subsection, five of whom shall be appointed as described in paragraph (3) of this
1230 subsection, and the commissioner of transportation who shall serve ex officio and be a
1231 nonvoting member. The members appointed from such authority districts shall be
1232 appointed by a majority vote of a caucus of the members of the House of Representatives
1233 and Senate whose respective districts ~~are~~ include any portion of such authority district,
1234 the chairpersons of the county board of commissioners whose counties are located within
1235 such authority districts, and one mayor from the municipalities located within such
1236 authority districts who shall be chosen by a caucus of all mayors from the municipalities
1237 located within such authority districts; provided that if any authority district is wholly or
1238 partially located within the City of Atlanta, the mayor of the City of Atlanta shall be
1239 entitled to his or her own vote in addition to the vote by the mayor outside the limits of
1240 such city selected by the caucus of mayors to cast a vote. Each such appointee shall be
1241 a resident of the authority district which he or she represents and possess significant
1242 experience or expertise in a field that would be beneficial to the accomplishment of the
1243 function and purpose of this chapter. No later than December 1, 2018, the respective
1244 caucuses appointing board members from the authority districts shall meet and appoint
1245 their respective board members of said board of directors. ~~Such meeting Beginning in~~
1246 2021, the respective caucuses appointing board members from the authority districts shall

1247 meet during the regular session of the General Assembly immediately preceding the
1248 expiration of the term of office of each member appointed by an authority district. All
1249 such meetings shall be called by the chairperson of the board of commissioners from the
1250 county with the largest population represented in the authority district authority and be
1251 held at the state capitol. Notice of such meeting shall be sent by e-mail to all appointing
1252 members of any respective caucus at least seven calendar days prior and shall state the
1253 time, place, and purpose for such meeting."

1254 "(b) All members of the board and their successors shall each be appointed for terms of
1255 four years, except that those members appointed from even-numbered authority districts
1256 shall serve an initial term that expires on April 15, 2023, and those members appointed
1257 from odd-numbered authority districts shall each serve an initial term of two years that
1258 expires on April 15, 2021. After such initial two-year term, that caucus which appointed
1259 such member for such initial term shall appoint successors thereto for terms of office of
1260 four years. All members of the board shall serve until the appointment and qualification
1261 of a successor except as otherwise provided in this Code section. Other than the
1262 commissioner of transportation, no person holding any other office of profit or trust under
1263 the state shall serve upon the board. The chairperson of the board of directors shall be
1264 appointed by the Governor and a vice chairperson shall be selected annually from among
1265 the members by majority vote of those members present and voting.

1266 (c) All successors shall be appointed in the same manner as original appointments.
1267 Vacancies in office of members appointed pursuant to paragraph (3) of subsection (a) of
1268 this Code section shall be filled in the same manner as original appointments. If a vacancy
1269 in office of a member appointed by an authority district pursuant to paragraph (1) of
1270 subsection (a) of this Code section occurs during any regular session of the General
1271 Assembly, the election for such vacancy shall be held in the same manner as provided in
1272 paragraph (1) of subsection (a) of this Code section. For all other vacancies in office of a
1273 member appointed by an authority district, the remainder of the unexpired term shall be
1274 filled by a member elected at a meeting called by the chairperson of the authority at a
1275 location designated by such chairperson. Notice of such meeting shall be sent by e-mail
1276 to all appointing members of any respective caucus at least seven calendar days prior and
1277 shall state the time, place, and purpose for such meeting. A person appointed to fill a
1278 vacancy shall serve for the unexpired term. No vacancy on the board shall impair the right
1279 of the quorum of the remaining members then in office to exercise all rights and perform
1280 all duties of the board."

1281 "(i) The board may, in its discretion, appoint an executive director as the administrative
1282 head of the authority and shall set his or her salary. The executive director of the Georgia

1283 ~~Regional Transportation Authority shall serve as a temporary director until the board is~~
1284 ~~constituted and an executive director is appointed by such board.~~

1285 (j) The authority is assigned to the Georgia Regional Transportation Authority Department
1286 of Mobility and Innovation for administrative purposes only. Such department shall be
1287 authorized to hire officers, agents, and employees, prescribe their duties and qualifications,
1288 and fix their compensation.

1289 (k)(j) The authority shall annually submit a report of projects of regional and state
1290 significance from the regional transit plan to the commissioner of mobility and innovation,
1291 the Office of Planning and Budget, the Governor, the Lieutenant Governor, and the
1292 Speaker of the House of Representatives for consideration by such parties for inclusion in
1293 the bond package for the upcoming fiscal year budget. The required date of submission of
1294 such report shall coincide with the required submission date of estimates of financial
1295 requirements of a budget unit pursuant to Code Section 45-12-78."

1296 SECTION 4-4.

1297 Said chapter is further amended by revising Code Section 50-39-5, relating to continuation
1298 of the development of the Atlanta region's Concept 3 transit proposal, as follows:
1299 "50-39-5.

1300 The Atlanta Regional Commission in conjunction with the authority and the director of
1301 planning for the Department of Transportation and the Department of Mobility and
1302 Innovation shall utilize federal and state planning funds to continue the development of the
1303 Atlanta region's Concept 3 transit proposal, including assessment of potential economic
1304 benefit to the region and the state, prioritization of corridors based on highest potential
1305 economic benefit and lowest environmental impact, and completion of environmental
1306 permitting."

1307 SECTION 4-5.

1308 Said chapter is further amended in Code Section 50-39-10, relating to uniform operation and
1309 jurisdictional issues, by revising paragraph (2) of subsection (a) and paragraph (1) of
1310 subsection (b) as follows:

1311 "(2)(A) The initial jurisdiction of the authority for purposes of this chapter shall
1312 encompass the territory of every county which was designated by the United States
1313 Environmental Protection Agency (USEPA) in the *Code of Federal Regulations* as of
1314 December 31, 1998, as a county included in whole or in part within a nonattainment
1315 area under the Clean Air Act and which the board designates, through resolution or
1316 regulation, as a county having excess levels of ozone, carbon monoxide, or particulate
1317 matter.

1318 (B) The jurisdiction of the authority for purposes of this chapter shall also encompass
1319 the territory of every county designated by the USEPA in the *Code of Federal*
1320 *Regulations* after December 31, 1998, as a county included in whole or in part within
1321 a nonattainment area under the Clean Air Act and which the board designates, through
1322 resolution or regulation, as a county having excess levels of ozone, carbon monoxide,
1323 or particulate matter, provided that the jurisdictional area encompassed under this
1324 subparagraph shall be contiguous with the jurisdictional area encompassed under
1325 subparagraph (A) of this paragraph."

1326 "(b)(1) By December 1, 2018, the director of the Environmental Protection Division shall
1327 report and certify to the authority those counties which were designated by the USEPA
1328 as included in whole or in part within a nonattainment area pursuant to subsection (a) of
1329 this Code section and, pursuant to criteria established by that division, counties which are
1330 reasonably expected to become nonattainment areas under the Clean Air Act within ~~seven~~
1331 three years from the date of such report and certification. Such report and certification
1332 shall be updated ~~every six months~~ annually thereafter. Within the geographic territory
1333 of any county so designated, the board shall provide, by resolution or regulation, that the
1334 funding, planning, design, construction, contracting, leasing, and other related facilities
1335 of the authority shall be made available to county and local governments for the purpose
1336 of planning, designing, constructing, operating, and maintaining transit systems and
1337 transit projects, air quality installations, and all facilities necessary and beneficial thereto,
1338 and for the purpose of designing and implementing designated metropolitan planning
1339 organizations' transit plans and transportation improvement programs and the authority's
1340 regional transit plan, on such terms and conditions as may be agreed to between the
1341 authority and such county or local governments."

1342 SECTION 4-6.

1343 Said chapter is further amended in Code Section 50-39-11, relating to general powers of the
1344 authority, construction with provisions on coordination and comprehensive planning and
1345 service delivery by counties and municipalities, by revising paragraphs (3), (7), (11), and
1346 (29) of subsection (a) as follows:

1347 "(3) To plan, design, acquire, construct, add to, extend, improve, equip, operate, and
1348 maintain or cause to be operated and maintained transit systems and transit projects, and
1349 all facilities and appurtenances necessary or beneficial thereto, within the geographic area
1350 over which the authority has jurisdiction or which are included within a regional transit
1351 plan or transportation improvement program and provide transit services within the
1352 geographic jurisdiction of the authority, and to contract with any state, regional, or local
1353 government, authority, or department, or with any private person, firm, or corporation,

1354 for those purposes, and to enter into contracts and agreements with the Georgia
1355 Department of Transportation, the Department of Mobility and Innovation, county and
1356 local governments, and transit system operators for those purposes;"

1357 "(7) ~~To appoint an executive director who shall be executive officer and administrative~~
1358 ~~head of the authority. The executive director shall be appointed and serve at the pleasure~~
1359 ~~of the board.~~ The executive director shall hire officers, agents, and employees, prescribe
1360 their duties and qualifications and fix their compensation, and perform such other duties
1361 as may be prescribed by the authority. Such officers, agents, and employees shall serve
1362 at the pleasure of the executive director;"

1363 "(11) To issue guaranteed revenue bonds, revenue bonds, bonds, notes, or other
1364 obligations of the authority, to receive payments from the Department of Community
1365 Affairs Mobility and Innovation, and to use the proceeds thereof for the purpose purposes
1366 of:

1367 (A) Paying or loaning the proceeds thereof to pay, all or any part of, the cost of any
1368 project or the principal of and premium, if any, and interest on the revenue bonds,
1369 bonds, notes, or other obligations of any local government issued for the purpose of
1370 paying in whole or in part the cost of any project and having a final maturity not
1371 exceeding three years from the date of original issuance thereof;

1372 (B) Paying all costs of the authority incidental to, or necessary and appropriate to,
1373 furthering or carrying out the purposes of the authority; and

1374 (C) Paying all costs of the authority incurred in connection with the issuance of the
1375 guaranteed revenue bonds, revenue bonds, bonds, notes, or other obligations;"

1376 "(29) To review and make recommendations to the Governor, Lieutenant Governor, and
1377 Speaker of the House of Representatives concerning all transit plans and transportation
1378 improvement programs prepared by the Department of Transportation Mobility and
1379 Innovation involving design, construction, or operation of transit facilities wholly or
1380 partly within the geographic area over which the authority has jurisdiction pursuant to
1381 this chapter, and to negotiate with that department concerning changes or amendments
1382 to such plans which may be recommended by the authority consistent with applicable
1383 federal law and regulation, and to adopt such plans as all or a portion of its own regional
1384 plans;"

1385 SECTION 4-7.

1386 Said chapter is further amended in Code Section 50-39-12, relating to development, review,
1387 and amendment of regional transit plan, coordination with federal priorities, and branding,
1388 by revising subsection (d) as follows:

1389 "d(1) Such plan shall further include the creation of a unified logo and brand to
1390 encompass all transit service providers within the jurisdiction of the authority which shall
1391 include the acronym 'ATL.' On and after January 1, 2023, all transit service providers
1392 within the jurisdiction of the authority shall utilize such logo and brand as a prominent
1393 feature upon any property used for the purpose of transit."

SECTION 4-8.

1395 Said chapter is further amended in Code Section 50-39-13, relating to delegation of authority
1396 by Governor, formulation of measurable targets, and annual reporting by the authority, by
1397 revising subsection (b) as follows:

1398 "(b) The authority shall formulate measurable targets for air quality improvements and
1399 standards within the geographic area over which the authority has jurisdiction pursuant to
1400 this chapter, and annually shall report such targets to the Governor, Lieutenant Governor,
1401 and Speaker of the House of Representatives, and commissioner of mobility and
1402 innovation, together with an assessment of progress toward achieving such targets and
1403 projected measures and timetables for achieving such targets. The authority shall formulate
1404 an annual report and audit of all transit planning, funding, and operations within the
1405 jurisdiction of the authority which shall be presented by December 1 of each year to the
1406 Senate and House Transportation Committees and the local governing authorities of those
1407 counties within the jurisdiction of the authority."

SECTION 4-9.

1409 Said chapter is further amended in Code Section 50-39-15, relating to the Atlanta-region
1410 Transit Link "ATL" Authority's power of eminent domain and limitations, by revising
1411 subsection (a) as follows:

1412 "(a) After the adoption by the authority of a resolution declaring that the acquisition of the
1413 real property described therein is necessary for the purposes of this chapter, the authority
1414 may exercise the power of eminent domain in the manner provided in Title 22; or it may
1415 exercise the power of eminent domain in the manner provided by any other applicable
1416 statutory provisions for the exercise of such power; provided, however, that the provisions
1417 of Article 7 of Chapter 16 of this title shall not be applicable to the exercise of the power
1418 of eminent domain by the authority. Property already devoted to public use may be
1419 acquired, except that no real property belonging to the state other than property acquired
1420 by or for the purposes of the Department of Transportation or Department of Mobility and
1421 Innovation may be acquired without the consent of the state."

SECTION 4-10.

1422 Said chapter is further amended by revising Code Section 50-39-18, relating to record and
1423 resource sharing between governmental entities, as follows:

1424 "50-39-18.

1425 (a) Upon request of the board of the authority, the Department of Transportation, the
1426 Department of Mobility and Innovation, and the Department of Natural Resources shall
1427 provide to the authority and its authorized personnel and agents access to all books,
1428 records, and other information resources available to those departments which are not of
1429 a commercial proprietary nature and shall assist the authority in identifying and locating
1430 such information resources. Reimbursement for costs of identification, location, transfer,
1431 or reproduction of such information resources, including personnel costs incurred by the
1432 respective departments for such purposes, shall be made by the authority to those
1433 respective departments.

1434 (b) The authority may request from time to time, and the Department of Transportation,
1435 the Department of Mobility and Innovation, and the Department of Natural Resources shall
1436 provide as permissible under the Constitution and laws of this state, the assistance of
1437 personnel and the use of facilities, vehicles, aircraft, and equipment of those departments,
1438 and reimbursement for all costs and salaries thereby incurred by the respective departments
1439 shall be made by the authority to those respective departments."

PART V**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY****(MARTA)****SECTION 5-1.**

1441 Article 2 of Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to the
1442 Metropolitan Atlanta Rapid Transit Authority, is amended in Code Section 32-9-21, relating
1443 to creation of Cobb County Special District for Transit, by revising subsections (e) and (g)
1444 as follows:

1445 "(e) The committee shall provide to the board of commissioners of Cobb County the
1446 recommended map for the special district, which was approved by majority vote of the
1447 committee, and a proposed rapid transit contract, no later than December 1, 2019 2021."

1448 "(g) The committee shall stand abolished and this Code section shall stand repealed by
1449 operation of law on December 1, 2019 2021."

1454

SECTION 5-2.

1455 Said article is further amended in Code Section 32-9-22, relating to rapid transit contract with
1456 Cobb County on behalf of the Cobb County Special District for Transit, by revising
1457 subsection (h) as follows:

1458 "(h) In the event a rapid transit contract has not been entered into on behalf of the Cobb
1459 County Special District for Transit or the referendum required by this Code section fails
1460 to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021, this
1461 Code section shall stand repealed by operation of law on such date."

1462

SECTION 5-3.

1463 Said article is further amended in Code Section 32-9-23, relating to retail sales and use tax
1464 in Gwinnett and Cobb counties and rate, proceeds, and utilization of such tax, by revising
1465 paragraph (2) of subsection (b) as follows:

1466 "(2) In the event a rapid transit contract has not been entered into on behalf of the Cobb
1467 County Special District for Transit or the referendum required by Code Section 32-9-22
1468 fails to receive the requisite majority vote for approval prior to December 1, ~~2019~~ 2021,
1469 this subsection shall stand repealed and reserved by operation of law on such date."

1470

PART VI

1471

STATE ROAD AND TOLLWAY AUTHORITY

1472

SECTION 6-1.

1473 Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, relating to the
1474 State Road and Tollway Authority, is amended in Code Section 32-10-62, relating to
1475 membership, compensation, officers, bylaws, quorum, and record of proceedings by the
1476 authority, by adding a new subsection to read as follows:

1477 "(c) The commissioner of mobility and innovation shall serve as the executive director of
1478 the authority."

1479

PART VII

1480

EFFECTIVE DATES

1481

SECTION 7-1.

1482 (a) Except as provided for in subsection (b), this Act shall become effective on July 1, 2019.
1483 (b) Section 3-3 of this Act shall become effective on July 1, 2020.

1484

PART VIII

1485

REPEALER

1486

SECTION 8-1.

1487 All laws and parts of laws in conflict with this Act are repealed.